

Animal Control: (Also see Dog Ordinance)

Animal Control Ordinance adopted:

1. Animals defined: Animals shall include, but not necessarily be limited to, sheep, goats, cattle, horses, and swine.
2. Whosoever, being the owner or custodian of such animal, shall allow such animal to be at large or unlawfully upon the property of another shall be liable for all costs incurred in abating the nuisance created by such animal. Costs incurred in abating the nuisance created by such animal shall be directly payable to the Town of Marlow.
3. Whosoever, being the owner or custodian of a dog, shall allow such dog to be in violation of the 1979 adopted bylaw entitled "Dog Ordinance" shall be liable for all costs incurred in abating said violation. Costs incurred in abating the violation shall be directly payable to the Town of Marlow.

Passed: Town Meeting, March 1983 Article 7.

Animal Control:

The Selectmen are authorized to place a restraining order on dogs in the municipal limits of the town, pursuant to RSA 466:29-30, with a penalty of \$25.00 for second and subsequent offenses. Passed: Town Meeting, March 1984 Article 8.

Animal Control:

Provisions of RSA 635:3 adopted. The Animal Control Officer has additional authority to control trespassing stock, supplementing same to include donkeys, ponies, ducks, geese, rabbits, and other domestic and farm animals. After the first warning the responsible owner may be cited for a misdemeanor for a subsequent offense. Passed: Town Meeting, March 14, 1987 Article 8.

**(RSA 635:3 Trespassing Stock.** – If any person having the charge or custody of any sheep, goats, cattle, horses, or swine shall knowingly, recklessly, or negligently suffer or permit the same to enter upon, pass over, or remain upon any improved or enclosed land of another without written permission of the owner, occupant, or his agent, and thereby injures his crops, or property, he shall be guilty of a violation.)

Dog Ordinance: (The original one, see below)

Passed: Town Meeting, March 17, 1979 Article 9

Dog Ordinance For Marlow: This ordinance applies only to those dogs that are creating a nuisance as defined. Dogs are not required to be on a leash, fenced, or otherwise confined provided they do not create a nuisance as listed. Under this ordinance a dog is considered to be a nuisance, a menace, or vicious to persons or property under any or all, but not limited to the following conditions:

- a. If it barks continuously for sustained periods of time.
- b. If it barks during the night hours so as to disturb the peace and quiet of a neighborhood or area.
- c. While it runs at large on the streets or public property other than its owner's, it turns over garbage cans, waste containers or otherwise causes waste or garbage to be scattered on property other than its owner's.
- d. While it runs at large it barks, growls, snaps at, bites, runs after or chases any person or persons.
- e. While it runs at large, it barks at, runs after or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled, or pushed on the streets, highways, or public ways.

- f. While it runs at large, whether alone or in a pack with other dogs, it runs after, chases, or preys on game animals, domestic animals or human beings.
- g. While it runs at large, it digs, scratches, or excretes on any property other than its owner's.
- h. While in heat is unconfined (confinement shall mean within an enclosed building-not accessible to any other dog).

Any person who considers a dog to be a nuisance, a menace or vicious to persons, to property or to any other animals may make a complaint to any law enforcement officer, conservation officer, or a selectman of the town or city in which the dog is kept. Such officer or selectman shall within three days after receipt of such complaint investigate the facts and circumstances of the case, and if the complaint is sustained shall forthwith order the owner, keeper or person who harbors such a dog to abate the nuisance or menace. Service of such order shall be made upon the owner, keeper or person who harbors such dog by causing a certified copy of such order to be delivered to him, or by registered mail to his last known place of abode. Any owner, keeper or person who harbors such dog upon whom notice of such order has been served, may within ten days bring a petition to the municipal or district court of the town or city, as the case may be, praying that the order be reviewed by the court.

After notice to the investigating officers and the person or persons making the complaint and upon hearing, the court shall affirm, modify or dismiss such order as justice may require. During pendency of such action and the order of justice of the court, the owner, keeper or person who harbors such dog shall restrain such dog from running at large at all times. Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, muzzling such animal or otherwise effectively abating a nuisance found under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall be guilty of a violation, the dog shall be taken into custody by the police or constable of the city or town, and such disposition made of the dog as the court may order.

#### Dog Ordinance: Fines

1. A fine of \$25.00 for any verifiable second offense, and each offense thereafter that the same dog is in violation of the Dog Ordinance.
  2. All fees resulting from this ordinance to be used to offset Police Dept. expenditure.
- Passed: Town Meeting, March 14, 1981 Article 11.